

**AN ORDINANCE BY
PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

TO AMEND CHAPTER 106, OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE V, OFFENSES BY AND AGAINST MINORS, SECTION 106-228, SAME—RESPONSIBILITY OF PARENTS, SO AS TO REPLACE IMPROPER REFERENCES TO NONEXISTENT SECTIONS OF THE CITY OF ATLANTA CODE OF ORDINANCES WITH THE PROPER REFERENCES TO SECTION 106-227, CURFEW—AUTHORIZED; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, City of Atlanta Code of Ordinances Chapter 106, Offenses and Miscellaneous Provisions, Article V, Offenses by and Against Minors, Section 106-227, establishes a nighttime curfew which is applicable to minors 16 years of age or younger; and

WHEREAS, Subsections (1) through (6) of Section 106-227 of the City of Atlanta Code of Ordinances, set forth instances during which the provisions of the nighttime curfew shall not apply; and

WHEREAS, Section 106-228 of the City of Atlanta Code of Ordinances makes it unlawful for a parent, guardian or other person having custody or control of any minor 16 years of age or younger to permit or allow said minors to violate the curfew described in 106-227; and

WHEREAS, 106-227, and subsection (1) through (6) of 106-227, should be referenced in Section 106-228 (a) of the City of Atlanta Code of Ordinances; however, Section 106-228 (a) instead references 106-92 and 106-192, respectively; and

WHEREAS, Sections 106-92 and 106-192 are not contained in the City of Atlanta Code of Ordinances; and

WHEREAS, it is the desire of the Atlanta City Council to correct the erroneous references in Section 106-228 by replacing the references to the non-existent sections with references to 106-227.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

SECTION 1. That Chapter 106, Article V, Section 106-228(a), of the City of Atlanta Code of Ordinances which currently reads:

Sec. 106-228. Same--Responsibility of parents.

(a) *Generally.* It shall be unlawful for the parent, guardian or other person having custody or control of any child 16 years of age or younger to permit or by

insufficient control to allow such child to be in or upon the public streets or any other places listed in section 106-92 within the city between the hours of 11:00 p.m. on any day and 6:00 a.m. the following day, or on Fridays and Saturdays, between the hours of 12:00 midnight and 6:00 a.m. the following day, except in circumstances set out in subsections (1) through (6) of section 106-192.

be amended such as Chapter 106, Article V, Section 106-228(a), of the City of Atlanta Code of Ordinances shall read as follows:

Sec. 106-228. Same--Responsibility of parents.

(a) *Generally.* It shall be unlawful for the parent, guardian or other person having custody or control of any child 16 years of age or younger to permit or by insufficient control to allow such child to be in or upon the public streets or any other places listed in section ~~106-92~~ **106-227** within the city between the hours of 11:00 p.m. on any day and 6:00 a.m. the following day, or on Fridays and Saturdays, between the hours of 12:00 midnight and 6:00 a.m. the following day, except in circumstances set out in subsections (1) through (6) of section ~~106-192~~ **106-227**.

SECTION 2. The amendment in this ordinance shall become effective immediately upon the Mayor's signature.

SECTION 3. That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel: s/Amber A. Robinson

Contact Number: 404-330-6494

Originating Department: Department of Law

Committee(s) of Purview: Public Safety and Legal Administration

Council Deadline: September 1, 2009

Anticipated Committee Meeting Date(s): September 15 and September 29, 2009

Anticipated Full Council Date: October 5, 2009

Commissioner Signature


Jerry L. DeLoach

Chief Procurement Officer Signature N/A

CAPTION

TO AMEND CHAPTER 106, OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE V, OFFENSES BY AND AGAINST MINORS, SECTION 106-228, SAME—RESPONSIBILITY OF PARENTS, SO AS TO REPLACE IMPROPER REFERENCES TO NONEXISTENT SECTIONS OF THE CITY OF ATLANTA CODE OF ORDINANCES WITH THE PROPER REFERENCES TO SECTION 106-227, CURFEW—AUTHORIZED; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any)

Mayor's Staff Only

Received by CPO:

(date)

Received by LC from CPO:

(date)

Received by Mayor's Office:

(date)

Reviewed by:

(date)

Submitted to Council:

(date)